



22 DEC 2006

#8

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSTROLENK FABER GERB & SOFFEN
1180 Avenue Of The Americas
New York, NY 10036-8403

In re Application of:	:	
XU, Guolin, et al.	:	
U.S. Application No.: 10/535,334	:	DECISION ON RENEWED
PCT No.: PCT/SG2003/000261	:	PETITION UNDER
International Filing Date: 10 November 2003	:	37 CFR 1.47(a)
Priority Date: 18 November 2002	:	
Attorney's Docket No.: P/2778-63	:	
For: METHOD AND SYSTEM FOR CELL	:	
AND/OR NUCLEIC ACID	:	
MOLECULES ISOLATION	:	

This decision is issued in response to the renewed petition under 37 CFR 1.47(a) filed 21 August 2006. No additional petition fee is required.

BACKGROUND

The procedural background for this application is set forth in the decision mailed by this Office on 19 May 2006. In that decision, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted: (1) an acceptable a declaration executed by the inventors on their own behalf and on behalf of the non-signing inventor (the materials submitted by applicants appeared to be a compilation of multiple declaration documents); and (2) an adequate showing that the complete application papers and a request for signature have been delivered to the non-signing inventor at his last known address, and that the inventor has refused to execute the application papers.

On 21 August 2006, applicants filed the renewed petition considered herein (with required extension fee).

DISCUSSION

The renewed petition includes copies of the complete three-page declaration executed by each of the eight signing inventors; these declarations each contain an unsigned signature block for the non-signing inventor. These materials satisfy the declaration requirement of a grantable petition.

With respect to the non-signing inventor's refusal to sign the declaration, the renewed petition includes a supplemental declaration from Winnie Chua, with exhibits, which

demonstrate that: (1) a copy of the application, with a request for signature was delivered to the non-signing inventor at his last known address on 26 June 2006; (2) the inventor responded to this mailing by requesting a copy of the most recently amended version of the application; (3) the requested copy of the application as currently amended, with a repeated request for signature, was delivered to the home of the non-signing inventor on 28 July 2006; and (4) that no response to the 28 July 2006 delivery was received from the non-signing inventor prior to the execution of Ms. Chua's declaration on 17 August 2006. These materials, in combination with those filed with the original petition, provide an acceptable showing that the non-signing inventor has been presented with a copy of the application and has refused to execute the declaration.

CONCLUSION

Based on the above, applicants have now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). Accordingly, the renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Dennis Lee POLLA.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the non-signing inventor at his last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 August 2006.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



22 DEC 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dennis L. POLLA
2830 Hillscourte South
Roseville, Minnesota 55113-2175

In re Application of: XU, Guolin, et al.
U.S. Application No.: 10/535,334
PCT No.: PCT/SG2003/000261
International Filing Date: 10 November 2003
Priority Date: 18 November 2002
Attorney's Docket No.: P/2778-63
For: METHOD AND SYSTEM FOR CELL AND/OR NUCLEIC ACID
MOLECULES ISOLATION

Dear Dr. POLLA:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
Lawrence A. Hoffman
OSTROLENK FABER GERB & SOFFEN
1180 Avenue Of The Americas
New York, NY 10036-8403